

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE**

TRAVIS AND JESSICA FRITZ	)	Docket No. 3:17-CV-433
as Third Party Beneficiaries of	)	
LAXMIJI, LLC individually and	)	
LAXMIJI, LLC d/b/a MOUNTAIN	)	
VISTA INN & SUITES, BHARAT	)	
PATEL individually and BHARAT	)	<b>DISTRICT JUDGE THOMAS A. VARLAN</b>
PATEL d/b/a MOUNTAIN VISTA	)	
	)	<b>CHIEF MAGISTRATE JUDGE H.</b>
	)	<b>BRUCE GUYTON</b>
INN & SUITES, JAGRUTI PATEL,	)	
	)	
Plaintiffs,	)	
	)	
vs.	)	
	)	
LIBERTY SURPLUS INSURANCE	)	
CORPORATION and ST. PAUL FIRE	)	
AND MARINE INSURANCE	)	
COMPANY,	)	
	)	
Defendants.	)	
_____	)	

**PLAINTIFFS' MOTION FOR PARTIAL SUMMARY JUDGMENT**

Pursuant to Rule 56 of the Federal Rules of Civil Procedure, Plaintiffs respectfully move for summary judgment on Defendants' fourteenth affirmative defense. This defense asserts that no insurance coverage is available for Plaintiffs' injuries under an umbrella policy issued by St. Paul, because of a coverage exclusion for bodily injury caused by "pollutants." This pollution exclusion should be interpreted under the law of Illinois, which has long construed such exclusions in favor of coverage for bodily injuries caused by carbon monoxide exposure.

The motion is based on the Memorandum of Law in Support of Plaintiffs' Motion for Partial Summary Judgment, the Declaration of Kenneth M. Suggs and attached exhibits, the files, records, and pleadings in this case, and arguments of counsel.

Respectfully submitted

Dated: April 3, 2019

/s/ Kenneth M. Suggs

Kenneth M. Suggs (*pro hac vice*)  
JANET, JANET & SUGGS, LLC  
500 Taylor Street, Suite 301  
Columbia, SC 29201  
(803) 726-0050 TEL  
(803) 727-1059 FAX  
[ksuggs@jjsjustice.com](mailto:ksuggs@jjsjustice.com)

Sidney Gilreath (#2000)  
GILREATH & ASSOCIATES, PLLC  
550 Main Avenue, Suite 600  
Knoxville, TN 37902  
(865) 637-2442 TEL  
(865) 971-4116 FAX  
[gilknox@sidgilreath.com](mailto:gilknox@sidgilreath.com)

*Attorneys for Plaintiffs*